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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,703

11/26/2003

Robert R. Turvey

J-3602A

7847

28165

7590

12/30/2004

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/723,703

Applicant(s)

TURVEY, ROBERT R

Examiner

Anita M. King

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5,8-13,20-22,28-36,38-41 and 43-53 is/are allowed.
- 6) ☒ Claim(s) 1-4,6,7,14,16-19,23,24,37 and 42 is/are rejected.
- 7) ☒ Claim(s) 15 and 25-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/6/04 & 9/20/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

This is the second office action for application number 10/723,703, Method and Device for Suspending Pouches, filed on November 26, 2003.

### ***Drawings***

The drawings were received on September 27, 2004. These drawings are approved.

### ***Response to Amendment***

The indicated allowability of claims 16, 19, 23, 24, and 49 is withdrawn in view of the newly discovered reference(s) to Tsuyama and Blair. Rejections based on the newly cited reference(s) follow.

### ***Claim Rejections - 35 USC § 112***

Claims 37 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 37 recites the limitation "the arm portion" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim 42 has ambiguous claim terminology where it is unclear whether latter recitations of originally cited terminology are intended to refer to the originally cited terms. It is unclear if "a pin," in line 2 of the claim is intended to refer to the original recitation of the term "a pin," in line 2 of claim 41.

***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-4, 6, 7, 14, 16, 18, 23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,477,865 to Tsuyama. Tsuyama discloses an suspension device, comprising: a base member (1); a clamping assembly mounted for sliding movement relative to the base member in a direction along a path and adapted to clamp an item (21) wherein the clamping assembly and the base member include surfaces that limit travel of the clamping assembly relative to the base member along the path direction; wherein the base member comprises a housing; wherein the clamping assembly includes a first clamping member (12) and a second clamping member (13) movable with respect to the first clamping member; wherein the second clamping member is pivotable between first and second angular limits with respect to the first clamping member; wherein the housing includes a mounting member (2), side walls (3) extending from the mounting member and defining a channel within which the clamping assembly is disposed; wherein the clamping assembly is slidable along a linear path with respect to the housing; in combination with an item (21) clamped between the first clamping member and the second clamping member; wherein the clamping assembly includes a guide portion (7) in sliding engagement with the base member; and wherein the side walls include two elongate recesses (6).

In regards to claim 16, Tsuyama discloses a suspension device comprising: a base member (1) comprising a housing; and a clamping assembly mounted for sliding

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movement relative to the base member and adapted to clamp an item (21) wherein the clamping assembly includes a first clamping member (13) and a second clamping member (12) movable with respect to the first clamping member and in combination with an item clamped between the first clamping member and the second clamping member and wherein the first clamping member includes an elongate body having a grasping portion disposed at one end thereof and a guide portion (9) disposed at another end thereof.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuyama. Tsuyama further discloses two pairs of elongate recesses (6) and the clamping assembly includes a guide member (7) disposed and guided within the elongate recesses. Tsuyama discloses the claimed invention except for limitation of a pair of guide members. It would have been obvious to one having ordinary skill in the art at the time the invention was made to guide member in Tsuyama to have been separate pieces, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

***Allowable Subject Matter***

Claims 5, 8-13, 20-22, 28-36, 38-41, and 43-53 are allowed.

Claims 15 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 37 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 285,908 to Ludington

U.S. Patent 3,412,965 to Alexander

U.S. Patent 4,541,117 to Ashbeck

U.S. Patent 5,226,734 to Scott et al.

U.S. Patent 5,584,457 to Fawcett

U.S. Patent 6,019,329 to Edelstein


U.S. Patent D479,683 to Turvey et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anita M. King  
Primary Examiner  
Art Unit 3632

December 27, 2004